

REMARKS

Rejection of Claims 6-7, 10-12, 18-19, and 22-26 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, and Objection to the Drawings noted on the Office Action Summary

On page 2 of the Office Action, claims 6-7, 10-12, 18-19, and 22-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Further, on the Office Action Summary, the Examiner has objected to the drawings.

The Examiner's Position

The Examiner's position is that the pair of endless belts, the separate belt inclinations, the independently driven belts, the separate pivoting handlebar, and other structure claimed are not described and shown, as originally filed, by the disclosure.

Applicants' Response

In response, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, first paragraph, and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

Claims 7, 10-12, 18-19 and 22-26

In response, Applicants submit initially that contrary to the Examiner's position, the pair of endless belts, the separate belt inclinations, the independently driven belts, the separate pivoting handlebar, and other structure recited in the claims are described and shown in the specification at, e.g., in the description from page 5, line 13 to page 6, line 16 and in the description in the last paragraph on page 7 in the application. Further,

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Applicants submit that this disclosure is sufficient, particularly when the knowledge in the art is considered, even without considering the drawings in the present case.

In this regard, with respect to the pair of endless belts, the separate belt inclinations, the independently driven belts, and other structure, Applicants note that in the Office Action of January 10, 2006, the Examiner himself cited references which teach dual-type treadmills (see paragraph 3 on page 5 of the January 10, 2006 Office Action, as well as the references listed on the PTO-892 form attached to that Office Action). For instance, the Examiner's attention is directed to Fig. 2 in U.S. Patent 5,607,376 and Fig. 1 in U.S. Patent 4,204,673 together with the associated disclosure in each of those patents as evidence of the knowledge in the art with respect to dual-type treadmills. As set forth in MPEP 2164.05, an Applicant may cite references to show what one skilled in the art knew at the time of filing the application. Further, as set forth in MPEP 2164.05(a), the specification need not disclose what is well-known to those skilled in the art and preferably omits that which is well-known to those skilled and already available to the public. *In re Buchner*, 929 F.2d 660, 661 18 USPQ2d 1331, 1332 (Fed. Cir. 1991), *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984).

Further, with respect to the separate pivoting handlebar, Applicants submit that element 54 in present Fig. 2 (relevant to claims 12 and 24, which are supported by the disclosure at page 7, lines 4-19) is supported by, e.g., the disclosure at page 7, lines 13-19 in the original specification. From this description, Applicants submit that one skilled in

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the art would readily envision an element 54 that is linear and extends orthogonally away from a middle portion of the handlebar 46, and can be pivoted. While the Examiner has indicated previously that handle 54 is not integral with the handlebar 46 and that handle 54 is not the "middle portion" but rather handle 46 possesses a middle portion which cannot be seen due to the display and handle 54 is a separate handlebar, Applicants submit that one skilled in the art would readily envision middle portion 54 based on the description in the last paragraph on page 7 in the application and would understand that middle portion 54 is connected to the middle part of handle bar 46, as discussed at page 7, lines 13-14. In this regard, Applicants submit that the Examiner is confusing "middle portion" with "middle part" as those terms are used in the specification, e.g., in the last paragraph on page 7.

In regard to Fig. 2, Applicants submit that the answers to the issues raised in the past by the Examiner (and perhaps still being raised by the Examiner in view of the objection to the drawings indicated in the Office Action Summary), namely, whether the belts are equal sized and how the extra pair of rollers is supported on the frame, would be readily understood by one skilled in the art in view of the aforementioned disclosure at page 5, line 13 to page 6, line 16, and the knowledge in the art (e.g., Fig. 2 in U.S. Patent 5,607,376 and Fig. 1 in U.S. Patent 4,204,673 together with the associated disclosure in each of those patents), as discussed above.

With respect to the Examiner's indication in the past that the adage "a picture is worth a thousand words" is applicable here and that in most cases a drawing is more detailed than the written disclosure, Applicants again submit that the figures in the present application are supported by, e.g., the written disclosure on pages 5-7 as

discussed above, particularly when that disclosure is considered in view of the skill in the art, as discussed above.

As to the Examiner's indication in the past that the drawing changes added new matter (perhaps still being raised by the Examiner in view of the objection to the drawings indicated in the Office Action Summary), Applicants respectfully disagree and submit that the drawing changes are supported by the specification as originally filed, including the disclosure at page 5, line 13 to page 6, line 16 and in the description in the last paragraph on page 7 as discussed above. With respect to the Examiner's previous indication that the "readily envisioned by one skilled in the art" argument is subjective, Applicants disagree and submit that one skilled in the art considering the disclosure in the present specification together with the knowledge in the art (such as U.S. Patents 5,607,376 and 4,204,673 discussed above) would be able to readily envision the claimed invention. Regarding the Examiner's previous question as to how the new subject matter is readily envisioned by the prior art if the prior art doesn't teach the claimed invention, Applicants submit that the subject matter at issue is readily envisioned by the disclosure in the present specification taken together with the knowledge in the art. As to the Examiner's previous indication that it still remains unclear how one would realize the linear, horizontal element of the proposed drawing in addition to how it would be attached to the handle bar 46 from a reading of the specification, Applicants submit that the description in the last paragraph on page 7 in the specification (including the disclosure that the middle portion can extend back from a middle part of the front portion and that, when not desired, the middle portion either can be pivoted so that it hangs down from the front portion or can be removed) is sufficient to describe the linear, horizontal

element of the proposed drawing in addition to how it would be attached to the handle bar 46.

Claims 6 and 18

Applicants submit that claims 6 and 18 are adequately described in a manner similar to that discussed above with respect to claims 12 and 24, except that the issue of the pair of endless belts, the separate belt inclinations, the independently driven belts, and other structure recited in independent claims 7 and 19 does not arise since claims 6 and 18 depend from claims 1 and 13, respectively (in contrast to claims 12 and 24, which depend from claims 7 and 19, respectively). See, e.g., page 7, lines 4-19 for disclosure supporting claims 6 and 18.

In addition, Applicants submit that element 54 in present Fig. 1 is supported by, e.g., the disclosure at page 7, lines 13-19 in the original specification. From this description, Applicants submit that one skilled in the art would readily envision an element 54 that is linear and extends orthogonally away from a middle portion of the handlebar 46, and can be pivoted. While the Examiner has indicated previously that handle 54 is not integral with the handlebar 46 and that handle 54 is not the "middle portion" but rather handle 46 possesses a middle portion which cannot be seen due to the display and handle 54 is a separate handlebar, Applicants submit that one skilled in the art would readily envision middle portion 54 based on the description in the last paragraph on page 7 in the application and would understand that middle portion 54 is connected to the middle part of handle bar 46, as discussed at page 7, lines 13-14. In this

regard, Applicants submit that the Examiner is confusing "middle portion" with "middle part" as those terms are used in the specification, e.g., in the last paragraph on page 7.

Further, Applicants submit that the description in the last paragraph on page 7 in the specification (including the disclosure that the middle portion can extend back from a middle part of the front portion and that, when not desired, the middle portion either can be pivoted so that it hangs down from the front portion or can be removed) is sufficient to describe the linear, horizontal element of the proposed drawing in addition to how it would be attached to the handle bar 46.

Thus, Applicants submit that claims 6-7, 10-12, 18-19, and 22-26 satisfy the requirements of 35 U.S.C. 112, first paragraph, and withdrawal of this rejection is respectfully requested. Further, Applicants submit that Figs. 1 and 2 are adequately supported by the written description in the application as filed, and withdrawal of the objection to the drawings is respectfully requested.

Rejection of Claims 1 and 13 under 35 U.S.C. 102(b) as being anticipated by Moon et al.

On page 4 of the Office Action, claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Moon et al.

In response, Applicants note initially that claims 1 and 13 recite a treadmill having an endless belt which is wide enough to accommodate two treadmill users side-by-side, wherein the two treadmill users are two adult people.

Applicants submit that Moon does not teach or suggest such a wide belt, and Applicants note that the Examiner has still not identified the specific disclosure in Moon

which he considers anticipatory, despite the specific request made page 12 in the Amendment filed February 6, 2008.

In this regard, Applicants note that MPEP 2125 states that when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.>").

With respect to the Examiner's previous indication that the language "adult people" doesn't recite specific dimensions and that adult humans come in various sizes, such as dwarfs who are abnormally small, Applicants submit that such an interpretation is unreasonable and is not the interpretation that one skilled in the art would give to the terminology at issue. In this regard, Applicants note that the recitation of two adult people was originally recited in claim 2, which depended on claim 1 and recited that the belt has a width which is large enough to accommodate two adult people side-by-side. Claim 1 recited that the belt has a width which is large enough to accommodate two treadmill users side-by-side. For claim 2 to be a proper dependent claim and further limit claim 1, the recitation in claim 2 of two adult people side-by-side would need to result in a belt which is wider than the minimum width belt which could accommodate two treadmill users side-by-side. Thus, Applicants submit that the Examiner has not fairly

interpreted the recitation of adult people in claim 1. A similar argument applies to claim 13.

With respect to the Examiner's indication in the present Office Action that the claim limitation "side-by-side" can include: one user ahead of the other user; the two users facing orthogonal to the belt's direction of travel; two users facing forward and fitted between the handrails when the belt is stationary, Applicants disagree with the Examiner to the extent they understand his position. The recitation "side-by-side" means that the two users are next to each other (not one in front of the other, as would be the case with one user ahead of the other as proposed by the Examiner). This can be readily understood from, e.g., the Background of the Invention and the Summary of the Invention in the present application. Moon does not teach or suggest a treadmill which can accommodate two treadmill users who are adult people "side-by-side" as properly interpreted.

Further, with respect to method claim 13 in particular, Moon does not teach or suggest moving the belt to exercise two treadmill users, so claim 13 is neither anticipated by nor obvious over Moon for this additional reason.

In view of the above, Applicants submit that the present invention is not anticipated by (or obvious over) Moon et al. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 1 and 13 under 35 U.S.C. 102(b) as being anticipated by Kelsey et al.

On page 4 of the Office Action, claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelsey et al.

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In response, Applicants again note that claims 1 and 13 recite a treadmill having an endless belt which is wide enough to accommodate two treadmill users side-by-side, wherein the two treadmill users are two adult people.

Applicants submit that Kelsey et al does not teach or suggest such a wide belt, and Applicants note that the Examiner has still not identified the specific disclosure in Kelsey et al which he considers anticipatory, despite the specific request made page 12 in the Amendment filed February 6, 2008.

In this regard, Applicants note that MPEP 2125 states that when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.").

With respect to the Examiner's previous indication that the language "adult people" doesn't recite specific dimensions and that adult humans come in various sizes, such as dwarfs who are abnormally small, Applicants submit that such an interpretation is unreasonable and is not the interpretation that one skilled in the art would give to the terminology at issue. In this regard, Applicants note that the recitation of two adult people was originally recited in claim 2, which depended on claim 1 and recited that the belt has a width which is large enough to accommodate two adult people side-by-side. Claim 1 recited that the belt has a width which is large enough to accommodate two

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treadmill users side-by-side. For claim 2 to be a proper dependent claim and further limit claim 1, the recitation in claim 2 of two adult people side-by-side would need to result in a belt which is wider than the minimum width belt which could accommodate two treadmill users side-by-side. Thus, Applicants submit that the Examiner has not fairly interpreted the recitation of adult people in claim 1. A similar argument applies to claim 13.

With respect to the Examiner's indication in the present Office Action that the claim limitation "side-by-side" can include: one user ahead of the other user; the two users facing orthogonal to the belt's direction of travel; two users facing forward and fitted between the handrails when the belt is stationary, Applicants disagree with the Examiner to the extent they understand his position. The recitation "side-by-side" means that the two users are next to each other (not one in front of the other, as would be the case with one user ahead of the other as proposed by the Examiner). This can be readily understood from, e.g., the Background of the Invention and the Summary of the Invention in the present application. Kelsey does not teach or suggest a treadmill which can accommodate two treadmill users who are adult people "side-by-side" as properly interpreted.

Further, with respect to method claim 13 in particular, Kelsey does not teach or suggest moving the belt to exercise two treadmill users, so claim 13 is neither anticipated by nor obvious over Kelsey for this additional reason.

In view of the above, Applicants submit that the present invention is not anticipated by (or obvious over) Kelsey et al. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 7, 10, 11, 19, 22, and 23 under 35 U.S.C. 102(b) as being anticipated by Piaget et al.

On page 4 of the Office Action, claims 7, 10, 11, 19, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Piaget et al.

In response, Applicants note initially that the Examiner asserts that each belt in Piaget has a width which is large enough to accommodate one treadmill user, and that the two belts in Piaget are positioned to accommodate two treadmill users side-by-side, wherein each belt has a width which is large enough to accommodate an adult person.

In response, Applicants submit that Piaget discloses that a user stands with one leg positioned on each of the side-by-side treadmills (see the top of col. 4). Therefore, Piaget clearly is directed to one treadmill user who places one foot on each belt and thus uses both belts himself or herself.

Moreover, if each belt in Piaget were to have a width large enough to accommodate an adult person using the treadmill, the single user actually intended by Piaget would have difficulty placing one foot on each belt and also holding the handlebars 26, so this is an additional reason why Piaget does not teach or suggest the present invention.

Further, with respect to method claims 19, 22, and 23 in particular, Piaget does not teach or suggest moving the belt to exercise two treadmill users, so those claims are neither anticipated by nor obvious over Piaget for this additional reason.

In view of the above, Applicants submit that the present invention is not anticipated by (or obvious over) Piaget et al. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection of Claims 1, 5, 13, and 17 under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen

On page 5 of the Office Action, claims 1, 5, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen.

The Examiner's Position

The Examiner indicates that Moon et al teaches all of Applicants' claimed invention except for the specific widths claimed. The Examiner's position is basically that in view of the well recognized use of treadmills for training horses as shown in Derksen, it would have been obvious to enlarge the Moon et al treadmill to any desirable width for accommodating any desired animal for exercise purposes. The Examiner indicates that this is a matter of design choice and is a matter of size or degree, which would have been an obvious modification to an artisan of ordinary skill in light of the teachings of the prior art. The Examiner indicates that an enlarged treadmill width of 45 inches would be desired to accommodate extremely large persons or animals and is considered a design choice which carries no patentable weight. As to the method claims, the Examiner indicates that such a sized treadmill could be used for any function, such as accommodating plural animals.

Applicants' Response

Applicants respectfully submit that the present invention is not obvious over Moon et al in view of Derksen, and request that this rejection be withdrawn in view of the following remarks.

Claims 1, 5, 13, and 17 Overall

(1) Applicants submit that one of ordinary skill in the art would not have combined Moon et al and Derksen.

Specifically, Moon et al is directed to a treadmill having a control panel positioned in such a manner as to minimize the likelihood of a user's foot striking a forward part of the treadmill's stationary base when the user is accessing the control panel (see, e.g., col. 1, lines 20-35). Thus, the Moon et al treadmill is directed to a user who would be on the treadmill and accessing the control panel.

In contrast, Derksen discloses a treadmill used by a horse.

Since a horse is not a treadmill user that would be accessing a control panel, one of ordinary skill in the art would not have applied the teachings of Derksen to Moon et al.

That is, one of ordinary skill in the art would not have made the belt of the Moon et al treadmill wide enough to accommodate a horse, because the Moon et al treadmill, with its specifically positioned control panel, is not intended to be used by a horse.

Rather, the Moon et al treadmill is intended to be used by a person, since a person is a user who would access a control panel. That is, the desired animal using Moon for exercise purposes is a person, and thus one would not modify Moon to suit a horse.

In this regard, as can be seen from the use of treadmills with standard sized belts by extremely large people in fitness clubs, an extremely large person can use a treadmill with a standard sized belt. Since an extremely large person can use a treadmill with a standard sized belt in a fitness club, one of ordinary skill in the art would not have been motivated to enlarge the belt in Moon et al, particularly since such would have added to the cost of the Moon et al treadmill.

Thus, one of ordinary skill in the art would not have modified Moon in view of Derksen, and claims 1 and 13 and the claims dependent thereon are not obvious over Moon et al in view of Derksen accordingly.

(2) With respect to the Examiner's indication that this is a matter of design choice and is a matter of size or degree, Applicants submit that their wider treadmill is not merely a matter of design choice or a matter of degree, but rather is a significant change which produces a new form of exercise equipment. In this regard, Applicants submit that their wider treadmill enables a completely new form of treadmill exercising, namely, exercising by two adult treadmill users side-by-side on the same treadmill, which is neither taught nor suggested by either Moon or Derksen. Since the present invention provides a completely new form of exercising, Applicants submit that it is a change in kind, not merely degree. Indeed, Applicants submit a treadmill which results in a completely new form of treadmill exercising represents a new form of exercise equipment and thus is a change in kind for this additional reason.

The invention product permits two adult treadmill users to exercise side-by-side while holding hands, which has not been possible previously, either in Moon or elsewhere. Thus, the invention is directed to an entirely different market than that targeted by Moon, namely, companion exercisers rather than a solo exerciser. This is a change in kind, not a change in degree, and is not a matter of mere design choice.

Additional Reasoning for Patentability of Method Claims 13 and 17

In regard to method claims 13 and 17, Applicants submit that these claims are also not obvious because the cited references neither teach nor suggest that more than one user can be using the treadmill at one time, and thus neither teach nor suggest the claimed

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method for exercising two adult treadmill users positioned side-by-side on the belt of a treadmill. Accordingly, even if the belt in Moon et al were wide enough to accommodate plural animals (which Applicants submit would not have been the case, as discussed above), there is still no teaching or suggestion in the cited art which would lead one to have actually exercised plural animals on such a belt.

That is, with respect to the Examiner's indication that a modified version of Moon could be used for any desired function, such as accommodating plural animals, Applicants submit that the function of accommodating plural animals was not recognized at all in either Moon or Derksen (the Moon treadmill is intended to be used by one person at a time, and the Derksen treadmill is intended to be used by one horse at a time), let alone be recognized as a desired function, so one would not have been led to the presently claimed method from Moon in view of Derksen.

With respect to Moon in particular, Applicants submit that Moon does not contemplate accommodating plural animals, and there is no reason why one of ordinary skill in the art would look to Moon to accommodate plural animals. Moon simply represents a standard sized treadmill, which one of ordinary skill in the art would consider suitable for use by a single user. Two small adults would not use the Moon treadmill side-by-side because there is no teaching or suggestion to do such, and further that treadmill is too narrow and thus there would be a danger of falling and suffering injury.

Thus, Applicants submit that claim 13 and the claims dependent thereon are not obvious over Moon et al in view of Derksen for the above additional reasoning.

Therefore, Applicants submit that the present invention is not obvious over Moon in view of Derksen, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 1, 5, 13, 17, 18, and 22-26 under 35 U.S.C. 103(a) as being unpatentable over Kelsey et al

On page 6 of the Office Action, claims 1, 5, 13, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsey et al.

The Examiner's Position

The Examiner's position is that Kelsey discloses a treadmill as depicted in Figure 2 having an adult male supported thereon, and the Examiner indicates that the Kelsey treadmill width in Figure 2 appears to be approximately 40-45 inches, based on the relative dimensions of the user and the treadmill. In this regard, the Examiner considers Figure 2 to be an accurate representation of the proportionality of the treadmill with respect to the user, and that it is proper to approximate the width of the treadmill given the proportional dimensions provided in Figure 2. Further, the Examiner indicates that providing a belt width of at least 45 inches is a matter of design choice and is a matter of size or degree. Also, the Examiner indicates that in view of KSR, it would have been obvious to try or experiment with various belt widths to accommodate different sized users, such as morbidly obese people who require larger accommodations.

Applicants' Response

In response, Applicants note that as set forth above, MPEP 2125 states that when a reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See

Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000) (The disclosure gave no indication that the drawings were drawn to scale. "[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on to show particular sizes if the specification is completely silent on the issue.").

Applicants submit that Kelsey does not disclose that the drawings are to scale and is silent as to dimensions. Thus, Applicants submit that the Examiner's arguments based on measurement of the drawing features are of little value.

Applicants note that Kelsey is directed to a single person using a treadmill, and there is no reason why one would make the belt wide enough to be used by two treadmill users as in the present invention.

With respect to the Examiner's indication that this is a matter of design choice and is a matter of size or degree, Applicants submit that their wider treadmill is not merely a matter of design choice or a matter of degree, but rather is a significant change which produces a new form of exercise equipment. In this regard, Applicants submit that their wider treadmill enables a completely new form of treadmill exercising, namely, exercising by two adult treadmill users side-by-side on the same treadmill, which is neither taught nor suggested by Kelsey. Since the present invention provides a completely new form of exercising, Applicants submit that it is a change in kind, not merely degree. Indeed, Applicants submit a treadmill which results in a completely new form of treadmill exercising represents a new form of exercise equipment and thus is a change in kind for this additional reason.

The invention product permits two adult treadmill users to exercise side-by-side while holding hands, which has not been possible previously, either in Kelsey or elsewhere. Thus, the invention is directed to an entirely different market than that targeted by Kelsey, namely, companion exercisers rather than a solo exerciser. This is a change in kind, not a change in degree, and is not a matter of mere design choice.

With respect to the Examiner's citation of KSR, as can be seen from the use of treadmills with standard sized belts by extremely large people in fitness clubs, an extremely large person can use a treadmill with a standard sized belt. Since an extremely large person can use a treadmill with a standard sized belt in a fitness club, one of ordinary skill in the art would not have been motivated to enlarge the belt in Kelsey, particularly since such would have added to the cost of the Kelsey treadmill. Thus, Applicants submit that the Examiner has not provided an adequate reason for modifying Kelsey as required by KSR.

Additional Reasoning for Patentability of Method Claims 13 and 17

As to method claims 13 and 17 in particular, since Kelsey is directed to a single person using a treadmill Applicants submit that there is simply no teaching or suggestion in Kelsey of exercising two treadmill users side-by-side on a single treadmill, and thus the method claims are not obvious over the cited art for this additional reason.

Therefore, Applicants submit that the present invention is not obvious over Kelsey, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 6 and 18 under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Nichols

On page 7 of the Office Action, claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Nichols.

In response, Applicants submit initially that Nichols does not make up for the deficiencies of Moon and Kelsey discussed above, so the present invention is not obvious over Moon et al or Kelsey et al in view of Nichols for at least those reasons.

Further, Applicants note that claims 6 and 18 recite that the handle bar has a middle portion which can extend back from a middle part of the front portion of the handle bar. Element 100 of Nichols cited by the Examiner is attached to a side portion (see, e.g., Fig. 1 and col. 2, lines 48-49)), not a front portion as required for the present invention. Thus, claims 6 and 18 are not obvious for this additional reason.

Moreover, element 100 is not even part of a handle bar, but rather is a harness assembly for animals (see, e.g., Fig. 2, the Summary of the Invention, and col. 2, lines 48-49), and thus does not teach or suggest a handle bar further comprising the middle portion as recited in claims 6 and 18.

In addition, since element 100 is a harness assembly for animals (which Nichols distinguishes from people as can be seen from the Background of the Invention section of Nichols), there is no reason why one would apply it to Moon or Kelsey, which involve exercise equipment for a person.

Thus, Applicants submit that the present invention is not obvious over Moon et al or Kelsey et al in view of Nichols, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 6 and 18 under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Gerard

On page 7 of the Office Action, claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Gerard.

In response, Applicants submit initially that Gerard does not make up for the deficiencies of Moon and Kelsey discussed above, so the present invention is not obvious over Moon et al or Kelsey et al in view of Gerard for at least those reasons.

Moreover, Applicants note that element 42 of Gerard cited by the Examiner is a ski pole grip (see col. 4, line 5), and thus one of ordinary skill in the art would not have fairly applied it to a treadmill as in Moon and Kelsey.

Thus, Applicants submit that the present invention is not obvious over Moon et al or Kelsey et al in view of Gerard, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 12 and 24 under 35 U.S.C. 103(a) as being unpatentable over Piaget et al in view of Gerard

On page 8 of the Office Action, claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piaget et al in view of Gerard.

In response, Applicants submit initially that Gerard does not make up for the deficiencies of Piaget discussed above, so the present invention is not obvious over Piaget et al in view of Gerard for at least those reasons.

Moreover, Applicants note that element 42 of Gerard cited by the Examiner is a ski pole grip (see col. 4, line 5), and thus one of ordinary skill in the art would not have fairly applied it to a treadmill as in Piaget.

Thus, Applicants submit that the present invention is not obvious over Piaget et al in view of Gerard, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen and further in view of Gerard or Nichols

On page 8 of the Office Action, claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al in view of Derksen as applied to claims 5 and 17, and further in view of Gerard or Nichols.

In response, Applicants submit initially that Gerard and Nichols do not make up for the deficiencies of Moon in view of Derksen discussed above, so the present invention is not obvious over Moon et al in view of Derksen and further in view of Gerard or Nichols for at least those reasons.

Moreover, Applicants note that element 42 of Gerard cited by the Examiner is a ski pole grip (see col. 4, line 5), and thus one of ordinary skill in the art would not have fairly applied it to a treadmill as in Moon and Derksen.

Further, Applicants note that claims 25 and 26 recite that the handle bar has a middle portion which can extend back from a middle part of the front portion of the handle bar. Element 100 of Nichols cited by the Examiner is attached to a side portion (see, e.g., Fig. 1 and col. 2, lines 48-49)), not a front portion as required for the present invention. Thus, claims 25 and 26 are not obvious for this additional reason.

Moreover, element 100 is not even part of a handle bar, but rather is a harness assembly for animals (see, e.g., Fig. 2, the Summary of the Invention, and col. 2, lines 48-49), and thus does not teach or suggest a handle bar further comprising the middle portion as recited in claims 25 and 26. In this regard, Applicants note that the middle

portion can be grasped by the right hand of the left user and/or by the left hand of the right user of the claimed treadmill, and such is simply not contemplated by the cited art.

In addition, since element 100 is a harness assembly for animals (which Nichols distinguishes from people as can be seen from the Background of the Invention section of Nichols), there is no reason why one would apply it to the primary reference Moon, which involves exercise equipment for a person.

Thus, Applicants submit that the present invention is not obvious over Moon et al in view of Derksen and further in view of Gerard or Nichols, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 6 and 18 under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Gerard

On page 8 of the Office Action, claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Gerard.

In response, Applicants note that this rejection appears to be basically the same as the rejection of claims 6 and 18 under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Gerard set forth on page 7 of the Office Action and discussed above.

Thus, Applicants submit that the above remarks responsive to the rejection of claims 6 and 18 under 35 U.S.C. 103(a) as being unpatentable over Moon et al or Kelsey et al in view of Gerard set forth on page 7 of the Office Action apply to this rejection as well.

That is, Applicants submit initially that Gerard does not make up for the deficiencies of Moon and Kelsey discussed above, so the present invention is not obvious over Moon et al or Kelsey et al in view of Gerard for at least those reasons.

Moreover, Applicants note that element 42 of Gerard cited by the Examiner is a ski pole grip (see col. 4, line 5), and thus one of ordinary skill in the art would not have fairly applied it to a treadmill as in Moon and Kelsey.

Thus, Applicants submit that the present invention is not obvious over Moon et al or Kelsey et al in view of Gerard, and withdrawal of this rejection is respectfully requested.

Rejection of Claims 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over Kelsey further in view of Gerard or Nichols

On page 9 of the Office Action, claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelsey as applied to claims 5 and 17, and further in view of Gerard or Nichols.

In response, Applicants submit initially that Gerard and Nichols do not make up for the deficiencies of Kelsey discussed above, so the present invention is not obvious over Kelsey further in view of Gerard or Nichols for at least those reasons.

Moreover, Applicants note that element 42 of Gerard cited by the Examiner is a ski pole grip (see col. 4, line 5), and thus one of ordinary skill in the art would not have fairly applied it to a treadmill as in Kelsey.

Further, Applicants note that claims 25 and 26 recite that the handle bar has a middle portion which can extend back from a middle part of the front portion of the handle bar. Element 100 of Nichols cited by the Examiner is attached to a side portion

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(see, e.g., Fig. 1 and col. 2, lines 48-49)), not a front portion as required for the present invention. Thus, claims 25 and 26 are not obvious for this additional reason.

Moreover, element 100 is not even part of a handle bar, but rather is a harness assembly for animals (see, e.g., Fig. 2, the Summary of the Invention, and col. 2, lines 48-49), and thus does not teach or suggest a handle bar further comprising the middle portion as recited in claims 25 and 26. In this regard, Applicants note that the middle portion can be grasped by the right hand of the left user and/or by the left hand of the right user of the claimed treadmill, and such is simply not contemplated by the cited art.

In addition, since element 100 is a harness assembly for animals (which Nichols distinguishes from people as can be seen from the Background of the Invention section of Nichols), there is no reason why one would apply it to Kelsey, which involves exercise equipment for a person.

Thus, Applicants submit that the present invention is not obvious over Kelsey further in view of Gerard or Nichols, and withdrawal of this rejection is respectfully requested.

Conclusion

If the Examiner wishes to discuss this application with the undersigned, she is requested to contact the undersigned at the local address and telephone number listed below.

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In view of the above remarks, Applicants submit that the present invention is patentable, and withdrawal of the rejections and allowance of this application are respectfully requested.

Respectfully submitted,



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